IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA COLUMBIA DIVISION

Robert B. Holt individually and on behalf of the estate of his mother Doris C. Holt,) Civil Case No. 3:12-3539-MGL
Plaintiffs,)
vs.) ORDER)
South Carolina Department of Social)
Services, Susan Stroman, Princess Hodges,)
Susan Tillman, Pamela Dantzler, Kathy)
Beers, Jennifer Brewton, Brenda Hughes,)
UniHealth - Orangeburg, SC, UniHealth)
Post Acute Care of Columbia, Latoya)
Buggs-Williams, Sgt. Darin L. Dougherty,)
Sgt. George A. Drafts, April Merrill,)
Columbia Police Department, Andre Bauer,)
Ken Ard, Jason F. Bring, Beth Shuler,)
Crystal Pavlick, Palmetto Health, Palmetto)
Senior Care, UHS-Pruitt Corporation, SC)
Ombudsman's Office, and Lt. Col.)
Carl Burke,)
)
Defendants.)
)

This matter is before the Court for ruling on Plaintiffs' Motion For Recusal, (ECF No. 176), filed October 15, 2014. In its motion, Plaintiffs assert that the undersigned is required to recuse herself from further consideration of this matter pursuant to the dictates of 28 U.S.C. § 455, which states, in relevant part, that any judge of the United States shall disqualify himself or herself "[w]here in private practice [the judge] served as lawyer in the matter in controversy, or a lawyer with whom [the judge] previously practiced law served during such association as a lawyer concerning the matter." 28 U.S.C § 455 (b)(2). Importantly, where this factual scenario

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is presented, the Court is required to disqualify itself, whether or not it believes that it can be

impartial.

In his motion, Plaintiff Robert B. Holt asserts that, for a time during 2010 and 2011, he

provided information concerning his present lawsuit to an attorney of the firm of which the

undersigned was a member. (ECF No. 176). Upon receipt of Plaintiffs' motion, the Court was

able to confirm that Plaintiff Holt did, in fact, consult with one of the undersigned's former law

partners about this matter and did provide documentation concerning this matter to said law

partner, all during a time period in which the undersigned was still a member of the firm. The

undersigned herself had no contact with Plaintiff Holt or any knowledge of the consultation.

Nonetheless, the consultation and passing of documentation related to this matter appears to have

taken place.

In light of the foregoing, the Court is constrained to conclude that it must recuse itself

pursuant to the dictates of 28 U.S.C. § 455. In reaching this determination, the Court is likewise

mindful of the appearance of impropriety standard set out in Canon 1 of the Code of Judicial

Conduct. Plaintiffs' Motion for Recusal is therefore **GRANTED**. (ECF No. 176).

AND IT IS SO ORDERED.

s/Mary G. Lewis
Honorable Mary Geiger Lewis

United States District Judge

Spartanburg, South Carolina October 20, 2014

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